

ASSEMBLY BILL

No. 693

Introduced by Assembly Member Huffman
(Coauthor: Senator Berryhill)

February 17, 2011

An act to amend Section 12811 of, and to add Section 4150.3 to, the Vehicle Code, relating to anatomical gifts.

LEGISLATIVE COUNSEL'S DIGEST

AB 693, as introduced, Huffman. Vehicle registration: organ and tissue donation.

The Uniform Anatomical Gift Act regulates the making of anatomical gifts and the disposition of donated bodies and body parts.

Existing law authorizes the creation of a nonprofit entity designated as the California Organ and Tissue Donor Registrar, which is required to establish and maintain the California Organ and Tissue Donor Registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card. Existing law also provides that a person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation. Existing law authorizes the department to use these

contributions to cover its actual administrative costs incurred pursuant to this organ and tissue donor registration program.

This bill would delete the department's authorization to use donations for purposes of covering its actual administrative costs pursuant to the program.

This bill would also require the department to add a graphic hyperlink to the confirmation page of vehicle registrations processed online in order to provide the option for drivers to connect to the state-authorized Donate Life California online California Organ and Tissue Donor Registry and would authorize a person, upon renewal of a vehicle registration online to designate a voluntary contribution, as specified, to the registry for the purpose of promoting and supporting organ and tissue donation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4150.3 is added to the Vehicle Code, to
2 read:
3 4150.3. (a) The Department of Motor Vehicles shall add a
4 graphic hyperlink to the confirmation page of vehicle registrations
5 processed online, providing the option for drivers to connect to
6 the state-authorized Donate Life California online California Organ
7 and Tissue Donor Registry established pursuant to subdivision (a)
8 of Section 7150.90 of the Health and Safety Code.
9 (b) A person who renews his or her vehicle registration online
10 may designate via the hyperlink in subdivision (a) a voluntary
11 contribution for the purpose of promoting and supporting organ
12 and tissue donation. This contribution shall be treated as a
13 voluntary contribution to the California Organ and Tissue Donor
14 Registry and not as a fee for the issuance of vehicle registration.
15 (c) Enrollment in the registry online shall constitute a legal
16 document under the Uniform Anatomical Gift Act (Chapter 3.5
17 (commencing with Section 7150) of Part 1 of Division 7 of the
18 Health and Safety Code) and shall remain binding after the donor's
19 death despite any express desires of next of kin opposed to the
20 donation.

1 (d) Information obtained by the registrar for the purposes of
2 this subdivision shall be used for these purposes only and shall not
3 be disseminated further by the registrar.

4 (e) A public entity or employee shall not be liable for any loss,
5 detriment, or injury resulting directly or indirectly from false or
6 inaccurate information contained in the form provided pursuant
7 to this section.

8 (f) This section does not apply to the registration of a
9 commercial motor vehicle, as defined in subdivision (b) of Section
10 15210.

11 SEC. 2. Section 12811 of the Vehicle Code is amended to read:

12 12811. (a) (1) (A) When the department determines that the
13 applicant is lawfully entitled to a license, it shall issue to the person
14 a driver's license as applied for. The license shall state the class
15 of license for which the licensee has qualified and shall contain
16 the distinguishing number assigned to the applicant, the date of
17 expiration, the true full name, age, and mailing address of the
18 licensee, a brief description and engraved picture or photograph
19 of the licensee for the purpose of identification, and space for the
20 signature of the licensee.

21 (B) Each license shall also contain a space for the endorsement
22 of a record of each suspension or revocation thereof.

23 (C) The department shall use whatever process or processes, in
24 the issuance of engraved or colored licenses, that prohibit, as near
25 as possible, the ability to alter or reproduce the license, or prohibit
26 the ability to superimpose a picture or photograph on the license
27 without ready detection.

28 (2) In addition to the requirements of paragraph (1), a license
29 issued to a person under 18 years of age shall display the words
30 "provisional until age 18."

31 (b) (1) On and after July 1, 2011, an application for an original
32 or renewal driver's license or identification card shall contain a
33 space for the applicant to enroll in the Donate Life California Organ
34 and Tissue Donor Registry. The application shall include check
35 boxes for an applicant to mark either (A) Yes, add my name to the
36 donor registry or (B) I do not wish to register at this time.

37 (2) The department shall inquire verbally of an applicant
38 applying in person for an original or renewal driver's license or
39 identification card at a department office as to whether the applicant
40 wishes to enroll in the Donate Life California Organ and Tissue

1 Donor Registry. Failure or refusal to answer this question or check
2 a box on the application form shall not be a basis for the department
3 to deny an applicant a driver's license or identification card.

4 (3) The following language shall be included with the question
5 required by paragraph (1):
6

7 "Marking 'Yes' adds your name to the Donate Life California
8 Organ and Tissue Donor Registry and a pink 'donor' dot will
9 appear on your license. If you wish to remove your name from the
10 registry you must contact Donate Life California (see back); DMV
11 can remove the pink dot from your licenses but cannot remove
12 you from the registry."
13

14 (4) The back of the application shall contain the following
15 statement:
16

17 "If, on the front of this form, you marked 'Yes' to register as an
18 organ and tissue donor you are legally authorizing the recovery of
19 organs and tissues in the event of your death. Registering as a
20 donor will not affect your medical treatment in any way. As
21 outlined in the California Anatomical Gift Act, your authorization
22 is legally binding and, unless the donor is under 18 years of age,
23 your decision does not require the consent of any other person.
24 For registered donors under 18 years of age, the legal guardian
25 shall make the final donation decision. You may limit your
26 donation to specific organs or tissues, place usage restrictions, for
27 example transplantation or research, obtain more information about
28 donation, or remove your name from the registry on the Internet
29 Web site of Donate Life California:
30 www.donateLIFEcalifornia.org."
31

32 (5) Notwithstanding any other provision of law, a person under
33 18 years of age may register as a donor. However, the legal
34 guardian of that person shall make the final decision regarding the
35 donation.

36 (6) The department shall collect donor designation information
37 on all applications for an original or renewal driver's license or
38 identification card.

39 (7) The department shall print the word "DONOR" or another
40 appropriate designation on the face of a driver's license or

1 identification card to a person who has indicated on the application
2 his or her intent to enroll in the organ donation program pursuant
3 to this section.

4 (8) On a weekly basis, the department shall electronically
5 transmit to Donate Life California, a nonprofit organization
6 established and designated as the California Organ and Tissue
7 Donor Registrar pursuant to Section 7150.90 of the Health and
8 Safety Code, all of the following information from every
9 application that indicates the applicant's decision to enroll in the
10 organ donation program:

- 11 (A) His or her true full name.
- 12 (B) His or her residence or mailing address.
- 13 (C) His or her year of birth.
- 14 (D) His or her California driver's license number or
15 identification card number.

16 (9) (A) A person who applies for an original or renewal driver's
17 license or identification card may designate a voluntary
18 contribution of two dollars (\$2) for the purpose of promoting and
19 supporting organ and tissue donation. This contribution shall be
20 collected by the department, and treated as a voluntary contribution
21 to Donate Life California and not as a fee for the issuance of a
22 driver's license or identification card.

23 ~~(B) The department may use the donations collected pursuant~~
24 ~~to this paragraph to cover its actual administrative costs incurred~~
25 ~~pursuant to paragraphs (6) to (8), inclusive.~~ The department shall
26 deposit all revenue derived pursuant to this paragraph ~~and~~
27 ~~remaining after the department's deduction for administrative costs~~
28 in the Donate Life California Trust Subaccount, that is hereby
29 created in the Motor Vehicle Account in the State Transportation
30 Fund. Notwithstanding Section 13340 of the Government Code,
31 all revenue in this subaccount is continuously appropriated, without
32 regard to fiscal years, to the Controller for allocation to Donate
33 Life California and shall be expended for the purpose of increasing
34 participation in organ donation programs.

35 (C) The department shall transmit to the Donate Life California
36 Organ and Tissue Donor Registry and the appropriate policy and
37 fiscal committees of the Legislature an annual report, and shall
38 make available quarterly updates, detailing funds collected through
39 voluntary contributions as well as a summary of applicants,
40 including all of the following nonidentifiable information:

- 1 (i) Date of application.
- 2 (ii) Method of application (field office, online, or mail).
- 3 (iii) Donor registration status.
- 4 (iv) ~~Zip~~-ZIP code.
- 5 (v) Gender.
- 6 (vi) Year of birth.

7 (D) (i) The annual report to be submitted to the appropriate
8 policy and fiscal committees of the Legislature pursuant to
9 subparagraph (C) shall be submitted in compliance with Section
10 9795 of the Government Code.

11 (ii) Pursuant to Section 10231.5 of the Government Code, the
12 requirement for submitting the annual report to the appropriate
13 policy and fiscal committees of the Legislature imposed under
14 subparagraph (C) is inoperative four years after the date the first
15 annual report is due.

16 (10) The enrollment form shall be posted on the Internet Web
17 sites for the department and the California Health and Human
18 Services Agency.

19 (11) The enrollment shall constitute a legal document pursuant
20 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
21 with Section 7150) of Part 1 of Division 7 of the Health and Safety
22 Code) and shall remain binding after the donor's death despite any
23 express desires of next of kin opposed to the donation. Except as
24 provided in paragraph (5) of subdivision (b), the donation does
25 not require the consent of any other person.

26 (12) Donate Life California shall ensure that all additions and
27 deletions to the California Organ and Tissue Donor Registry,
28 established pursuant to Section 7150.90 of the Health and Safety
29 Code, shall occur within 30 days of receipt.

30 (13) Information obtained by Donate Life California for the
31 purposes of this subdivision shall be used for these purposes only
32 and shall not be disseminated further by Donate Life California.

33 (c) A public entity or employee shall not be liable for loss,
34 detriment, or injury resulting directly or indirectly from false or
35 inaccurate information contained in the form provided pursuant
36 to subdivision (b).

37 (d) A contract shall not be awarded to a nongovernmental entity
38 for the processing of driver's licenses, unless the contract conforms
39 to all applicable state contracting laws and all applicable procedures
40 set forth in the State Contracting Manual.

- 1 ~~(e) This section shall become operative on July 1, 2006.~~

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